

1 BARRY J. PORTMAN
2 Federal Public Defender
2 JOYCE LEAVITT
3 Assistant Federal Public Defender
3 555 12th Street, Suite 650
4 Oakland, CA 94607-3627
4 (510) 637-3500

5 Counsel for Defendant NELSON

6

7

8 IN THE UNITED STATES DISTRICT COURT
9
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,)
12 Plaintiff,) No. CR 07-00364 CW
13 v.) STIPULATION AND ORDER
14) CONTINUING CHANGE OF PLEA
15 MARVIN NELSON ,) DATE AND EXCLUSION OF TIME
16 Defendant.)
17

17 IT IS HEREBY STIPULATED, by and between the parties to this action, that the change of
18 plea date in this case, currently set for Wednesday, September 19, 2007, before Honorable Judge
19 Claudia Wilken may be continued two weeks to Wednesday, October 3, 2007, at 2:30 p.m. for
20 change of plea. The parties are discussing the terms of the plea agreement and the various
21 mitigating factors which might affect the government's sentencing recommendation. Additional
22 investigation and research is needed in order for the parties to finalize the agreement. A continuance
23 to October 3, 2007, at 2:30 p.m. will allow the parties time to complete the investigation and finalize
24 the agreement. The parties stipulate that the time from September 19, 2007, to October 3, 2007,
25
26

1 should be excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§
2 3161(h)(8)(A) and (B)(iv) for continuity of counsel and for adequate preparation of counsel.

3 DATED: 9/18/07

4 JOYCE LEAVITT /S/
5 Assistant Federal Public Defender

6 DATED: 9/18/07

7 CHINHAYI COLEMAN /S/
8 Assistant United States Attorney

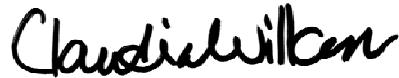
9
10 I hereby attest that I have on file all holograph signatures for any signatures indicated by
11 a "conformed" signature (/S/) within this e-filed document.

12 ORDER

13 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the change of plea date in this
14 case, currently scheduled for Wednesday, September 19, 2007, at 2:30 p.m. shall be continued to
15 Wednesday, October 3, 2007, at 2:30 p.m. for change of plea.

16 IT IS FURTHER ORDERED that the time from September 19, 2007 to October 3, 2007,
17 should be excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§
18 3161(h)(8)(A) and (B)(iv) for adequate preparation of counsel. The Court finds that the ends of
19 justice served by the granting of the continuance outweigh the best interests of the public and the
20 defendant in a speedy and public trial and the failure to grant the requested continuance would
21 unreasonably deny the defendant's counsel the reasonable time necessary for effective preparation,
22 taking into account due diligence.

23 SO ORDERED.



24 DATED: 9/19/07

25 HONORABLE CLAUDIA WILKEN
26 United States District Judge